

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 1a. In Fig. 1a, element 13 has been added. Support for this element is disclosed on page 7, lines 13-14.

Attachment: Replacement Sheet

REMARKS

This is intended as a full and complete response to the Office Action dated November 24, 2008, having a shortened statutory period for response set to expire on February 24, 2009. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, the paragraph beginning at line 8, page 7, which starts with "Fig. 1 shows" has been amended to correspond with amendments made to Figure 1a (see below).

In amended Figure 1a, element 13 has been added. Applicants submit that support for this element is disclosed on page 7, lines 13-14, and therefore does not introduce new matter

Claims 1-23 are pending in the application. Claims 1-23 remain pending following entry of this response. Claims 1, 10, 18 and 20-23 have been amended. Applicants submit that the amendments do not introduce new matter.

Further, Applicants are not conceding in this application that those amended claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended claims) and other claims in one or more continuations and/or divisional patent applications.

Claim Rejections - 35 U.S.C. § 112

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 18 has been amended. Applicants submit that this claim, as amended, addresses this rejection. Therefore, Applicants respectfully request the withdrawal of this rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 5-6, 10, 12-14, 16-17 and 19-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Murakoshi et al.* (U.S. Patent No. 6,476,390, hereinafter, "*Murakoshi*").

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Murakoshi* does not disclose or suggest "each and every element as set forth in the claim." For example, in regards to claim 1, *Murakoshi* does not disclose or suggest one lens for imaging the plurality of charged particle beams. Claim 20 recites a similar claim limitation.

Instead, *Murakoshi* (with reference to Figure 1) discloses at least three electron-optical systems (51, 52, 53), each having an electron source (1a, 1b, 1c) for emitting an electron beam. Each electron-optical system (51, 52, 53) further comprises an electron gun lens (2a, 2b, 2c), a condenser lens (3a, 3b, 3c) and an objective lens (4a, 4b, 4c). See *Murakoshi*, col. 6, ll. 46-49, Figure 1. According to the Examiner, the condenser lens (3a, 3b, 3c) and the objective lens (4a, 4b, 4c) represent "lenses . . . for imaging the electron beams[.]" See *Office Action*, pg. 2. However, as illustrated in Figure 1 of *Murakoshi*, each

electron source (1a, 1b, 1c) has a respective set of lenses (*i.e.*, the condenser lens (3a, 3b, 3c) and the objective lens (4a, 4b, 4c)) to image the electron beam emitted from a particular electron source (1a, 1b, 1c).

The present claims, on the other hand, recite that there is one lens for imaging the plurality of charged particle beams. Therefore, *Murakoshi* does not disclose or suggest "each and every element as set forth in the claims."

Similarly, *Murakoshi* also does not disclose one electrode unit for accelerating the plurality of charged particle beams as recited in claim 1. Claim 20 recites a similar claim limitation.

According to the Examiner, the electron gun lens (2a, 2b, 2c) represents the electrode unit "for extracting and accelerating the electron beams[.]" See *Office Action*, pg. 2. However, as illustrated in Figure 1 of *Murakoshi*, there is an electron gun lens (2a, 2b, 2c) to extract a beam for each of the electron sources (1a, 1b, 1c).

The present claims, on the other hand, recite that there is only one electrode unit for accelerating the plurality of charged particle beams. Therefore, *Murakoshi* does not disclose "each and every element as set forth in the claims."

Therefore, Applicants submit that claims 1, 20, and the claims that depend therefrom are allowable, and withdrawal of the rejection to the claims is respectfully requested.

Allowable Subject Matter

Claims 4, 7-9, 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As described above, Applicants believe the base claim from which claims 4, 7-9, 11, 15 and 18 depend is allowable. Accordingly, Applicants submit that claims 4, 7-9, 11, 15 and 18 are also allowable and request withdrawal of the objection.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Dated: February 24, 2009

Respectfully submitted,

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